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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
YE, LIN	

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/837,171	NAKAJIMA ET AL.	
	Examiner	Art Unit	
	Lin Ye	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. This application has been transferred to a new examiner. The new examiner carefully reviewed applicant's arguments with respect to the claims 1-27 filed on 5/16/05.

2. Applicant's arguments filed 5/16/05 have been fully considered but they are not persuasive as to claims 1-27.

For the claim 1, the applicant argues that the Baron reference (U.S. Patent 6,459,388) does not teach or suggest an image that is taken and the recommended composition data are not displayed on the same screen, e.g., simultaneously. (See applicant's amendment, page 13).

The examiner disagrees. The Baron reference clearly discloses the camera (400) can **provide** composition data (e.g., locational information and/or imaging data which includes recommendations for camera settings, parameters for capturing the view and take into account weather, etc.) **on** the **photographs taken** by the camera 400 for using to any future reviewing site purposes (See Col. 8, lines 20-28 and lines 9-15); the display (12) capable of display textural, perhaps graphical data, picture or video data (See Col. 6, lines 10-11);commend key (42) allow user to scroll though to select a site to preview the photographs (See Col. 7, lines 50-61). For those reasons, the Baron reference discloses "display means for superposing and displaying a recommended composition image represented by said desired, recommended composition data and an image represented by said image data" , as recited in claims 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-22, 24, 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Baron U.S. Patent 6,459,388.

Referring to claim 1, the Baron reference discloses in Figures 1-3, an imaging device comprising: imaging means for imaging a subject to acquire image data which represents said subject; storage means (database 300 in Figure 3) for storing recommended composition data, which represent composition images recommended at various locations of photography (31), in correlation with photography information containing positional information which represents said various photography locations; photography information acquisition means (34) for acquiring said photography information; read-out means for reading out desired, recommended composition data correlated with photography information which corresponds to said acquired photography information, from said storage means, based on said acquired photography information; and display means for superposing and displaying a recommended composition image represented by said desired, recommended composition data and an image represented by said image data (e.g., the camera 400 can **provide** locational

information and/or imaging data which includes recommendations for camera settings, parameters for capturing the view and take into account weather, etc. as recommended composition data **on** the **photographs taken** by the camera 400 for using to any future reviewing site purposes, see Col. 8, lines 20-28 and lines 9-15; the display 12 capable of display textural, perhaps graphical data, picture or video data, see Col. 6, lines 10-11;commend key 42 allow user to scroll though to select a site to preview the photographs, see Col. 7, lines 50-61).

Referring to claim 2, the Baron reference discloses wherein said photography information contains date information which represents various dates of photography (see item 34 in Figure 3), along with said positional information (see item 31 in Figure 3); and said recommended composition data represent composition images recommended on said various photography dates in addition to said various photography locations (See Col. 8, lines 9-15).

Referring to claim 3, the Baron reference discloses wherein said photography information contains weather information (see item 33 in Figure 3) which represents various weather recommended at said photography locations, along with said positional information; and said recommended composition data represent composition images recommended under said various weather in addition to said various photography locations in Figure 3 (all of which included in image data stored in database 300).

Referring to claim 4, the Baron reference discloses all subject matter as discussed with respected same comments to claim 3.

Referring to claim 5, the Baron reference discloses wherein said photography information acquisition means includes global positioning system (GPS) means for acquiring GPS

information as said photography information, based on radio waves from GPS satellites; and read-out means reads out said desired, recommended composition data correlated with photography information which contains positional information corresponding to said GPS information, from said storage means, based on said GPS information (See Col. 2, lines 63-67).

Referring to claim 6, the Baron reference discloses all subject matter as discussed with respected same comments to claim 5.

Referring to claim 7, the Baron reference discloses wherein said photography information acquisition means includes global positioning system (GPS) means for acquiring GPS information as said photography information, based on radio waves from GPS satellites, and weather information acquisition means for accessing a weather information server which provides weather information recommended at said photography location, to acquire weather information recommended at said photography location; and read-out means reads out said desired, recommended composition data correlated with photography information, which contains positional information corresponding to said GPS information and said acquired weather information, from said storage means, based on said GPS information and said acquired weather information (See Col. 6, lines 1-6 and Col. 8, lines 46-55).

Referring to claim 8, the Baron reference discloses all subject matter as discussed with respected same comments to claim 7.

Referring to claim 9, the Baron reference discloses further comprising archive means for archiving the image data acquired by said imaging means (database is memory stick, flash card, disk type device etc., see Col. 7, lines 42-43).

Referring to claim 10, the Baron reference discloses wherein said storage means stores imaging-condition information, which represents recommended imaging conditions suitable for archiving said image data in said archive means, in correlation with said recommended composition data; and said read-out means reads out desired imaging-condition information correlated with said desired, recommended composition data, along with said desired, recommended composition data (database 300, see Col. 3, lines 52-59).

Referring to claim 11, the Baron reference discloses further comprising imaging-condition display means (display 12) for displaying recommended imaging conditions represented by said desired imaging-condition information (See Col. 4, lines 7-14 and Col. 7, lines 54-67).

Referring to claim 12, the Baron reference discloses further comprising imaging-condition set means (command keys 42) for setting said imaging means, based on recommended imaging conditions (see Figure 3, item 34) represented by said desired imaging-condition information.

Referring to claim 13, the Baron reference discloses all subject matter as discussed with respected same comments to claim 12.

Referring to claim 14, the Baron reference discloses further comprising imaging-condition-set switching means for switching ON and OFF states of said imaging-condition set means (e.g., the command keys 42 which allows user to scroll through, select, or otherwise choose an manipulate information presented on the display, inherently, within the command keys must by a means for switching ON and OFF states of said imaging-condition set means because any information associated with the image-condition set means must

appear on the display and it is commonly know to anyone of ordinary skill in the at that the device display must capable of being turned on and off).

Referring to claim 15, the Baron reference discloses wherein said read-out means reads out only said desired, recommended composition data correlated with imaging-condition information which represents recommended imaging conditions settable in said imaging means (e.g., the Baron discloses a processor that provides data to the display to the user, which is capable of showing data stored in a databases, which does in fact correspond to the desired imaging –condition information as a means for reading out data comprising the embodiment of a camera for capturing an image of desired and recommended images, see Col,7, lines 7-13).

Referring to claim 16, the Baron reference discloses all subject matter as discussed with respected same comments to claim 15.

Referring to claim 17, the Baron reference discloses wherein said recommended composition data have attendant information (tour guide video 35, directions 32, weather information 33 in Figure 3, see Col. 8, lines 20-45) related to said recommended composition images; and said archive means (database 300) attaches said attendant information to said image data when archiving said image data.

Referring to claim 18, the Baron reference discloses all subject matter as discussed with respected same comments to claim 17.

Referring to claim 19, the Baron reference discloses all subject matter as discussed with respected same comments to claim 17.

Referring to claim 20, the Baron reference discloses all subject matter as discussed with respected same comments to claim 17.

Referring to claim 21, the Baron reference discloses all subject matter as discussed with respected same comments to claim 17.

Referring to claim 22, the Baron reference discloses all subject matter as discussed with respected same comments to claim 17.

Referring to claim 24, the Baron reference discloses wherein said display means includes selection display means (command keys 42) for switching display and non-display of said recommended composition image (e.g., the command keys 42 which allows user to scroll through, select, or otherwise choose an manipulate information presented on the display, inherently, within the command keys must by a means for switching ON and OFF states of said display means because any information associated with the display means must appear on the display and it is commonly know to anyone of ordinary skill in the at that the device display must capable of being turned on and off).

Referring to claim 26, the Baron reference discloses wherein further comprising photography-information-acquisition switching means (command keys 42) for switching ON and OFF states of said photography information acquisition means (e.g., the command keys 42 which allows user to scroll through, select, or otherwise choose an manipulate information presented on the display, inherently, within the command keys must by a means for switching ON and OFF states of said photography-information-acquisition means as shown in item 34 of Figure 3 because any information associated with the image-condition set

means must appear on the display and it is commonly know to anyone of ordinary skill in the at that the device display must capable of being turned on and off).

Referring to claim 27, the Baron reference discloses wherein further comprising: image switching means (command keys 42) for switching ON and OFF states of said imaging means; and switching display means for sequentially displaying recommended composition images, represented by the recommended composition data stored in said storage means, on said display means when said imaging means is in the OFF state (e.g., the command keys 42 which allows user to scroll through, select, or otherwise choose an manipulate information presented on the display, inherently, within the command keys must by a means of displaying recommended composition images must be on said display when imaging means is in the OFF state as retrieving data from database 300, in that the camera itself could be independent of the database comprising all of the mentioned data and said display means).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baron U.S. Patent 6,459,388 in view of Suzuki U.S. Patent 5,831,670.

Referring to claim 23, the Baron reference discloses all subject matter as discussed with respected same comments to claim 1, except the Baron reference dos not explicitly show read-out recognition means for informing that said desired, recommended composition data is read out, when reading out said desired, recommended composition data.

The Suzuki teaches an indicator device 9 that is equipped with a function for displaying photographing information, which comprises that of said desired and recommended composition data, in the face of the camera body and in the view finder and is also equipped with a warning function such as a buzzer, a synthesized sound, a vibration or the like (See Col. 4, lines 28-33). The Suzuki reference is evidence that one of ordinary skill in the art at the time to see more advantages the photographer would want to have an indicator/warning as the read-out recognition means that the composition quality of their field of view is not going to produce an optimum photograph, as they can make adjustments right ~~array~~ away and not after the image has been captured (See Col. 1, lines 49-58). For that reason, it would have been obvious to one of ordinary skill in the art to modify the image device of Baron ('388) by providing read-out recognition means for informing that said desired, recommended composition data is read out, when reading out said desired, recommended composition data as taught by Suzuki ('670).

8/15/05

Referring to claim 25, the Baron reference discloses all subject matter as discussed with respected same comments to claim 1, except the Baron reference dos not explicitly show coincidence recognition means for informing that said recommended composition image displayed on said display means has coincided with the image representing said subject.

The Suzuki teaches an indicator device 9 that is equipped with a function for displaying photographing information, which comprises that of said desired and recommended composition data, in the face of the camera body and in the view finder and is also equipped with a warning function such as a buzzer, a synthesized sound, a vibration or the like (See Col. 4, lines 28-33). The Suzuki reference is evidence that one of ordinary skill in the art at the time to see more advantages the photographer would want to have an indicator/warning as the coincidence recognition means that the composition quality of their field of view is not going to produce an optimum photograph, such as recommended composition image displayed on said display means does not have coincided with the image representing said subject, as they can make adjustments right ~~array~~ away and not after the image has been captured (See Col. 1, lines 49-58). For that reason, it would have been obvious to one of ordinary skill in the art to modify the image device of Baron ('388) by providing coincidence recognition means for informing that said recommended composition image displayed on said display means has coincided with the image representing said subject as taught by Suzuki ('670).

8/15/05

Conclusion

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

   a. Ota U.S. 6,201,571 discloses in Figure4, the display superposing the image information data with the image that is taken.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lin Ye
Examiner
Art Unit 2615

August 11, 2005

DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER